IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3202 of 2007.

Sambhaji Narayan Lohar ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Sudhir Halli i/b Subhash Hulyalkar,
Advocate for the applicant.

Ms S. D. Shinde, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 1ST NOVEMBER, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail under Section 438 of the Cr.P.C. in C.R. No. 138 of 2007 registered with Vadgaon Police Station, for the offence punishable under Sections 363, 366 and 376 of the I.P.C.

4. According to the prosecution, one Rajaram Rangnath Sathe had lodged a complaint that his daughter Kumari Neelam Rajaram Sathe was kidnapped by one person namely Raju Kisan Lohar on 4.9.2007 at about 12:00 p.m. The accused had taken his daughter with the impression that he would marry her. Further

allegation that the present applicant helped the accused Raju to kidnap daughter of the complainant. That is how the complaint came to be lodged against the accused Raju Kisan Lohar and the present applicant.

5. Having seen the material available on record, it seems that there was some telephonic talk between the present applicant and the accused Raju Lohar in respect of the daughter of complainant. However, what was the communication is not on record. Further allegation against the present applicant is that he had been to the father of the prosecutrix to seek her hand for Raju Lohar but that proposal did not materialize.

6. The learned APP though tried to oppose this application; but could not take her submission to the logical end. In the absence of any positive evidence available on record, I find no necessity of the custodial interrogation.

7. In the aforesaid view of the matter, considering the role played by the present applicant, I am inclined to grant anticipatory bail to the applicant in the sum of Rs. 25,000/- with one surety in the like amount on following terms and conditions.

a] The applicant shall report to above Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m. till filing of the charge sheet.

b] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

c] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

d] Breach of any of these conditions may result in cancellation of this order.

8. Application is disposed of in above terms.

(V.C. DAGA,J.)